



Posted : 02/17/10 NF

CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DE.LAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF PHARMACY</b>
<b>DATE AND TIME:</b>	<b>Wednesday, January 13, 2010 at 9:30 a.m.</b>
<b>PLACE:</b>	Conference Room 1st floor, Cannon Building 861 Silver Lake Blvd., Dover, DE
<b>APPROVED:</b>	February 17, 2010

**MEMBERS PRESENT**

Sandra Robinson, R.Ph, Professional Member, President  
Geoffrey N. Christ, Esq., R.Ph, Professional Member, Vice President  
Sebastian Hamilton, R.Ph, Professional Member  
Howard Simon, R.Ph, Professional Member  
Don Holst, R.Ph, Professional Member  
Joli Martini, R.Ph, Professional Member  
Carolyn Calio, Public Member  
David Bonar, Public Member  
Michael Hertzfeld, Public Member

**MEMBERS ABSENT**

David W. Dryden, R.Ph., J.D., Executive Secretary

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Allison Reardon, Deputy Attorney General  
Nancy Fields, Administrative Specialist II  
James Kaminski, R.Ph., Pharmacist Administrator

**ALSO PRESENT**

Lucy Somer  
Sara Ahmed  
Lauren Cardillo  
Tanya Stephens  
Debbie Hamilton  
Bruce DiVincenzo  
Becky Wong  
Michelle McCreary  
Cheryl Hicks

**CALL TO ORDER**

Ms. Robinson called the meeting to order at 9:35 a.m.

## **REVIEW OF MINUTES**

A motion was made by Mr. Bonar, seconded by Mr. Hamilton, to approve the minutes as presented. The motion unanimously carried.

## **PRESIDENT'S REPORT**

On Tuesday, Dec. 1, 2009, Ms. Robinson attended the Delaware Pharmacists Society general membership meeting at the Levin Center in Smyrna. There was an additional presentation given by Ken Whittemore, Jr., Senior VP of Clinical Practice Integration, for Surescripts was given regarding the technology and processes of E-prescribing. The program was well received by all who attended.

## **UNFINISHED BUSINESS**

### **Legitimate Medical Purpose**

Mr. Simon advised the Board that the draft bill is currently in the process of being drafted.

### **Regulation 5 Review – Dispensing**

The Board reviewed the final draft. A motion was made by Mr. Holst, seconded by Mr. Bonar, to accept the final draft of regulation 5 and add to publication for Regulation hearing. The motion unanimously carried.

### **Regulation 1 Review**

A motion was made by Mr. Christ, seconded by Mr. Simon to accept the revised draft of Regulation 1. The motion unanimously carried.

### **Drug Disposal and Distribution Review**

Mr. Hamilton advised that House Bill 235 was submitted for legislation and that he is still in the process of collecting data regarding other disposal programs that are available and will report at the next disposal meeting.

### **Verification of Internship Hours**

A motion was made by Mr. Bonar, seconded by Mr. Hamilton, to give Ms. Reardon permission to review and make any changes necessary to Regulation 1 which pertains to the verification of 1500 pre-licensure hour requirement. The motion unanimously carried.

### **Regulation 14 Review - Administration of Injectable Medications**

Mr. Holst stated that Pharmacists can now administer the influenza and H1N1 vaccines to adolescences as young as age 14 now due to an executive order signed by Governor Markell. Delaware Pharmacies have now administered over 60,000 flu and 10,000 H1N1 vaccines.

### **Prescription Monitoring Program (PMP)**

The discussion on this agenda item was tabled until the following meeting.

### **Regulation 9, 10 & 19**

The Committee met on January 6, 2010 and made the final amendments to the Regulations, which were presented to the Board in a final draft.

After review of the amendments, a motion was made by Mr. Bonar, seconded by Mr. Hertzfeld, to approve the final draft as written. The motion unanimously carried.

## **NEW BUSINESS**

### **Pharmacist-In-Charge (PIC) Interviews**

Mr. Simon conducted the PIC interviews for Tanya Stephens, Lauren Cardillo, and Becky Wong.

### **Ratification of Pharmacist Licenses**

A motion was made by Mr. Holst, seconded by Mr. Christ, to ratify the licensure for the following individuals:

Anne-Marie Viestra  
Jaime Frink  
Shikha Bhasin  
Joyce Napierkowski  
Amy Bui  
Suraj Rajasimhan  
Lois Matalavage  
Khaled H.D. Moustafa  
Anthony A. Okonkwo  
Yun Chen  
Derek Sethachutkul  
Scott Elwood  
MacArthur Wolo  
Daniel Blakeley  
Sunitaben H. Patel  
Anup Kurra  
Jamie Lynn Dodson

The motion was unanimously carried.

### **Pharmacist Application Reviews**

The Board reviewed the application for Philip Price.

After review, a motion was made by Mr. Hamilton, seconded by Mr. Bonar, to propose to deny Mr. Price's application for licensure due to previously receiving an administrative penalty in the states of South Carolina and Maryland. The motion unanimously carried.

The Board reviewed the application for Lucy Somer.

After review, a motion was made by Mr. Hamilton, seconded by Mr. Simon, to approve Ms. Somer's application because the administrative penalty that she had previously received was for continuing education and was not considered a bar for licensure. The motion unanimously carried.

### **Pharmacist Consultant Interviews**

There were no Consultant interviews.

### Consideration of Correspondence from James Warren

The Board reviewed correspondence from James Warren dated December 13, 2009 requesting reconsideration of the Board's October 2009 Order concerning his continuing education compliance. Mr. Warren also requested that any hearing on his request be scheduled in July 2010.

A motion was made by Mr. Bonar, seconded by Mr. Simon, to send Mr. Warren a letter advising him that the Board is denying his request for reconsideration and directing that he pay the fine imposed by the Order within 30 days or the Board will institute proceedings to take further action against his license which could result in suspension or revocation. He is to be further advised that he was sent the Decision and Order in October 2009 and had 30 days to appeal to Superior Court but failed to do so, as a result the Board's Order is a final Order. The motion unanimously carried.

### Committee Reports

**Joint Practice Committee – Don Holst and Howard Simon – No report.**

**Physician's Assistant Report – Sebastian Hamilton, R.Ph:** - Mr. Hamilton advised that the council met on Tuesday, January 5, 2010 and approved one new application for licensure, no applications for controlled prescriptive authority, and fourteen applications for non-controlled prescriptive authority. The next meeting is scheduled for Tuesday, February 2, 2010.

**Newsletter – Sandy Robinson, R. Ph., David Dryden, R.Ph., J.D, and Joli Martini, R. Ph.:** The Board asked again about adding the website to the newsletter. Ms. Fields advised that she would contact NABP to have it permanently added to the newsletter heading.

**Legislative – Sandy Robinson, R.Ph, Howard Simon, R.Ph, Sebastian Hamilton, R.Ph, Don Holst, R.Ph, Geoffrey Christ, R.Ph., Esq., and David Dryden, R.Ph., J.D.:**  
**Continuing Education – Sandy Robinson, R. Ph., Michael Hertzfeld, Geoffrey Christ, R.Ph., Esq., and Joli Martini, R. Ph.:** House Bill 235 was sent to Senator Carson.

**Continuing Education – Michael Hertzfeld, Sandy Robinson, David Bonar, Joli Martini and Geoff Christ - No report.**

**Consumer Affairs – Carolyn Calio, Michael Hertzfeld, and David Bonar:** Mr. Bonar reported that there have been several articles in the media recently regarding the issues of fraudulent prescriptions and felt that the Board should put out an article in the next newsletter to address the concerns of the general public.

**Professional Liaison – Sandra Robinson, R.Ph. and Don Holst, R.Ph:** Ms. Robinson reported that she attended the Delaware Pharmacists Society (DPS) general membership meeting at the Levin Center in Smyrna. A presentation was given by Ken Whittemore, Jr., Senior VP of Clinical Practice Integration, for Surescripts was given regarding the technology and processes of E-prescribing. The next DHSP meeting will be held on January 20, 2010 at the Moro Restaurant in Wilmington from 6:00 p.m. to 9:00 p.m. and Pharmacists can receive 1 CE for attending

Ms. Robinson also reported that on May 12 – 14, 2010, DPS will hold their Annual Convention. Mr. Holst reported that DPS's 2010 budget has been approved and the contract for Pat Carroll-Grant has been renewed and their building has been put up for rent.

**MPJE Study Committee – Don Holst, R.Ph, Sebastian Hamilton, R.Ph, and James Kaminski:** The Committee will review the study materials on the website and make the additions and deletions as necessary.

**Controlled Substance Liaisons – Geoffrey Christ, Howard Simon, and Dave Dryden:** Mr. Christ reported that the committee met on January 7, 2010 and finalized an RFP (Request for Proposal) that is going out for bid. The Committee also drafted a notice that will go out to all prescribers through the Department of Professional Regulation.

Mr. Howard reported that the next Controlled Substance Committee meeting is scheduled for February 24, 2010 at 10:00 a.m.

Mr. Bruce DiVincenzo, a Committee member from the Office of Narcotics and Dangerous Drugs, expressed his concerns regarding the dual ID issue and wanted to express the public's concerns. Mr. Simon advised him to send all the public's questions to him via email and he would address them.

### **Board Correspondence**

Ms. Robinson advised that the next drug disposal would be on January 22, 2010 at Christiana Care from 9 a.m. to 12 p.m.

### **Inspection Report**

Mr. Kaminski reported that in November 2009, eight pharmacies, ten controlled substance authorities, four audits, one researcher, one practitioner, and two physician non-compliant prescription blanks were found. Two follow-ups for non-compliant prescription blanks were received. No further action is necessary.

In December 2009, there were twelve pharmacies, thirteen controlled substance authorities, one researcher, and one practitioner/clinic inspected.

When deficiencies are found during the inspection process and audits are not acceptable, the office requires written responses from the pharmacist-in-charge (PIC) or notifies the facility a re-inspection will occur. There are five outstanding requests for a response at present. Two facilities are on hold for re-inspection.

A response letter from a practitioner regarding a compliance plan for pharmaceutical samples was received by the office. The practitioner stated the following:

- A. As per your instructions per my inquiry, all controlled substances have been destroyed by a reverse distributor. I have enclosed the certificate of disposal. Therefore any issues regarding controlled substances are no longer applicable as no controlled substances of any kind will be accepted, stored, or dispensed from my office or anywhere else under my knowledge.
- B. All remaining non controlled pharmaceutical samples are kept in a securely locked substantially constructed cabinet. I am the only individual with a key to this cabinet. No one else but me signs for, handles, or accepts any pharmaceutical samples.
- C. All pharmaceutical samples are dispensed with a label including the date dispensed, the patient's full name, the name of the drug, and strength, the directions of the prescription, and my name and address.
- D. Inventory to monitor and remove any expired medications will take place on a monthly basis.

### **Other Business before the Board**

| There was no other business before the board.

### **Public Comment**

Mr. Collins spoke regarding the urgent issues, such as the recent robberies, that are surrounding the Pharmacy profession and advised that everyone should “think like banks” now and must have better security to protect the employees, the public, and the drugs. He reported that that he and the Board are partnering with law enforcement, Homeland Security, the Secretary of State, and the Governor regarding these issues to ensure that things are being done to improve and prevent these issues from happening. Committees and programs, such as the tamper-proof prescription pads, the prescriptive monitoring program, and the drug take back program are all being developed to assist with these issues.

Mr. Bonar expressed that the Board is grateful and supportive to Mr. Collins and the Division for their interest and assistance.

### **Next Scheduled Meeting**

The next meeting is scheduled for February 17, 2010 in Conference Room A.

### **Adjournment**

A motion was made by Mr. Holst, seconded by Mr. Hamilton, to adjourn the meeting. The motion unanimously carried. The meeting adjourned at 11:00 a.m.

Respectfully submitted,



Nancy Fields  
Administrative Specialist II